

REMARKS

Claim 1 has been amended to further limit the range of the ratio R. Support for amended Claim 1 is found in the subject matter of Claim 3 and Example 2, page 16, last paragraph. Claim 6 has been amended to more clearly identify the subject matter Applicants regard as their invention. Claims 2, 3 and 7 have been canceled. Thus, no new matter has been added. Upon entry of this Amendment, which is respectfully requested, Claims 1 and 4-6 will be pending.

Response to Rejection Under § 101

Claim 7 has been rejected under 35 U.S.C. § 101 because it results in an improper definition of a process.

Claim 7 has been canceled, thus the rejection has been rendered moot. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Rejection Under § 112

Claims 6 and 7 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 6 has been amended to more clearly identify the subject matter Applicants regard as their invention. Claim 7 has been canceled. Thus, the aspect of the rejection pertaining to Claim 7 is rendered moot. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Provisional Double Patenting Rejection

Claims 1-7 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/556,680. Applicants respectfully traverse.

Claims 1-7 of the co-pending application fail to render obvious the subject matter of present Claims 1-7. Specifically, Claims 1-7 do not disclose or suggest the presently claimed

phosphor with the specific ratio R recited in the present claims. Accordingly, Claims 1-7 of the co-pending application do not render Claims 1-7 of the present application obvious. Thus, a double patenting issue does not exist. Accordingly, withdrawal of the rejection is requested.

Response to Double Patenting Rejection

Claims 1-7 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Patent No. 7,011,770. Applicants respectfully traverse.

Claims 1-6 of U.S. Patent No. 7,011,770 fail to render obvious the subject matter of present Claims 1-7. Specifically, Claims 1-6 do not disclose or suggest the presently claimed phosphor with the specific ratio R recited in the present claims. Accordingly, Claims 1-6 of U.S. Patent No. 7,011,770 do not render Claims 1-7 of the present application obvious. Thus, a double patenting issue does not exist. Accordingly, withdrawal of the rejection is requested.

Response to Rejections Under § 102

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,122,349 to Fouassier et al., U.S. Patent No. 4,128,498 to Hase et al. or U.S. Patent No. 4,748,391 to Sigai et al.

Claims 1-7 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 03/036675 or U.S. Patent Application Publication No. 2002/0038861 to Toda et al.

Claims 1-7 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0080271 to Aoki et al.

Applicants respectfully traverse.

Applicants respectfully submit that the phosphors disclosed in each of Fouassier, Hase, Sigai, WO '675, Toda and Aoki fail to disclose or suggest a phosphor having a ratio R of not less

than 80% and not more than 99% as recited by present Claim 1. Accordingly, withdrawal of the rejections is respectfully requested.

Claims 1-7 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,011,770 to Imanari et al. Applicants respectfully traverse.

Imanari fails to disclose or suggest the presently claimed phosphor. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Rejections Under § 103

Claims 6 and 7 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hase.

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over WO 03/097767 ("WO '767").

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 2003-238954 ("JP '954").

The phosphor according to the present invention has a ratio R of from 80% to 99%, and demonstrates a high brightness under irradiation with vacuum ultraviolet. As seen in Examples 1 and 2 on pages 14-17 of the present specification, a phosphor with a ratio R of 99% (Example 2) results in a brightness of 122, while a phosphor with a ratio R of 78% (Example 1) results in a brightness of 118.

Applicants respectfully submit that the phosphors disclosed in each of Hase, WO '767 and JP '954 fail to teach or suggest a phosphor having the ratio R of from 80% to 99% as recited in present Claim 1. Accordingly, withdrawal of the rejections is requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/595,107

Attorney Docket No.: Q92742

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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